

REMARKS

Initially, the Examiner has objected to claims 10, 13-29 and 31-36 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter as applicant regards as the invention. The Examiner has objected to the claims for a variety of reasons and each will be addressed in turn.

The Examiner has indicated that the term “pregel” in claims 10 and 18 are vague and indefinite. More specifically, the Examiner has asked whether the “pregel” is the same as the “prepolymer mixture.” Further, the Examiner has indicated that the claims are not clear as to what steps are required to accomplish the “polymerizing.” In order to better define the term “pregel,” applicant has rewritten claim 10 to indicate that the die and the prepolymer mixture are mixed to provide a pregel mixture. It is believed that this amendment clearly defines applicant’s intended meaning of the term “pregel.”

Applicant is somewhat perplexed as to the Examiner’s confusion as to the steps to accomplish the polymerization of the pregel as required by independent claim 10. As is well known, polymerization entails the process of bonding two or more polymers to form a polymer. The polymerization may occur by exposing the polymer to a predetermined stimulus such as temperature or ultraviolet light. The process is fully described in the specification at page 6, line 28-page 7, line 30. As such, clarification as to the Examiner’s basis for his conclusion that the step of polymerizing is vague and indefinite is respectfully requested.

The Examiner has objected to claim 10 because, in the Examiner's opinion, the phrase "the monitor structure generates a visual display independent of the size of the monitor structure in response to exposure of a parameter of the fluid having a predetermined value" do not further limit the method claims. Again, applicant is perplexed as to the basis for the Examiner's objection. The phrase merely states that the monitor structure generates a visual display in response to a parameter of the fluid that passes over the monitor structure in the channel having a predetermined value. Hence, if the fluid has a predetermined value, e.g., a pH between 3.0 and 5.0 pH, the monitor generates a visual display. That visual display is independent of the size of the monitor structure. In other words, the visual display does not necessarily refer to a change in size of the monitor structure. For example, the monitor structure could change colors or illuminate. As such, applicant is perplexed as to the Examiner's basis for the suggestion that the phrase in claim 10 is vague and indefinite. Clarification is respectfully requested.

The Examiner's rejected claims 13-15 as being dependent upon cancelled claim 12. This is simply incorrect. Claims 13-15 were amended to depend from claim 10 in the "Response to Office Action" filed on October 11, 2005. Withdrawal of the Examiner's rejection is respectfully requested.

The Examiner's has objected to claims 13-21 because, in the Examiner's opinion, it is not clear of what steps are required to accomplished the "cleaning" and "polymerizing" steps. With respect to the cleaning step, this is fully described in the specification. Applicant refers the Examiner to page 7, line 30 to page 8, line 1 where it specifically states that after the monitor structure is polymerized, the channel is flushed and dried. With respect to the Examiner's objection to the "polymerizing" step, as heretofore described with respect to claims 10 and 18, the meaning of the term "polymerization" is well established and the process undertaken to polymerize the pregel mixture is fully described in the specification. As such, withdrawal or clarification of the Examiner's rejection to the phrase is respectfully requested.

The Examiner has rejected to claim 17, because in the Examiner's opinion, it is not clear where the monitor structure is in comparison to the first. Again, clarification of the Examiner's objection is respectfully requested. Claim 17 (now incorporated into independent claim 10) requires a second monitor structure to be provided in the channel. The exact location of the second monitor structure with respect to the first in the channel is irrelevant.

In view of the foregoing comments, the amendments to claims 10 and 18, is believed that all of the remaining pending claims, namely, claims 10, 13-15, 16, 18, 22-25 and 27-28 are in proper form for allowance and withdrawal of the Examiner's rejections under 35 USC § 112, second paragraph, is earnestly solicited.

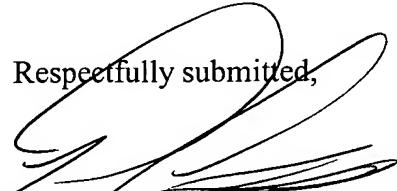
The Examiner has indicated that claims 17 and 26-27 contained allowable subject matter. As such, applicant has incorporated the subject matter of dependent claim 17 into claim independent claim 10. It is believed that claim 10 is in proper form for allowance action is earnestly solicited. Claims 13-16 and 28 depend from claim 10 and further define a method not shown or suggested in the art. It is believed that claims 13-16 and 28 are allowable as depending from an allowable base claim and in view of the subject matter of each claim.

Claim 26 has been incorporated into independent claim 18. It is now believed that independent claim 18 is now in proper form for allowance and such action is earnestly solicited. Claims 20-25 and 27 depend from claim 18 and further define a method not shown or suggested in the art. It is believed that claims 20-25 and 27 are allowable as depending from an allowable base claim and in view of the subject matter of each claim.

U.S. Serial No.: 10/045,937
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Page 9

Applicant believes that the present application with claims 10, 13-16, 18, 20-25 and 27-28 is in proper form for allowance and such action is earnestly solicited. Applicant believes that no additional fees are required in connection with the present submission. However, the Director is hereby authorized to charge payment of any other fees associated with this communication or credit any overpayment to Deposit Account No. 50-1170.

Respectfully submitted,


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